

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) MICHAEL L. USELTON and )

(2) NICHOLE D. USELTON, )

Plaintiffs, )

-vs- )

Case No. CIV-21-716-J

(1) EXPEDITED LOGISTICS AND FREIGHT )

SERVICES, LLC; and )

(2) JOSE S. COREAS, )

Defendants. )

**JOINT NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that Defendants, Expedited Logistics and Freight Services, L.L.C. (“ELFS”) and Jose S. Coreas, by and through their attorneys, Pierce Couch Hendrickson Baysinger & Green, L.L.P., jointly file this Notice of Removal pursuant to 28 U.S.C. §1441(a); 28 U.S.C. §1332(a); and U.S.C. §1446, *et. seq.*, to remove the above-captioned action to this Court from the District Court of Oklahoma County, Oklahoma. In support of this Joint Notice of Removal, Defendants state as follows:

**PLAIN STATEMENT OF GROUNDS OF REMOVAL**

1. This is an action filed on or about June 17, 2021, in the District Court of Oklahoma County, Oklahoma, being assigned cause number CJ-2021-2613. The Petition is attached as Exhibit 1. Plaintiffs, Michael and Nichole Uselton name as Defendants ELFS and Jose Coreas,

2. Plaintiffs allegations against Defendants arise from a semi-tractor trailer accident that occurred on September 8, 2020, in Murray County, Oklahoma. *Id.*

3. Defendants now timely remove based on diversity as between Oklahoma citizens Michael and Nichole Uselton and Texas citizens ELFS and Coreas.

### **RESERVATION**

4. This Notice of Removal is filed subject to and with full reservation of rights by Defendants including, but not limited to, all defenses and objections this Defendant might pursue.

### **TIMELINESS**

5. This Notice of Removal is timely filed in accordance with 28 U.S.C. § 1446(b), as it is filed within 30 days of receipt of the initial pleading and summonses on June 22, 2021.

### **AMOUNT IN CONTROVERSY**

6. The amount in controversy for diversity jurisdiction as set forth in 28 U.S.C. § 1332 is satisfied, as Plaintiffs' Petition claims damages "in excess of \$75,000.00." Exh. 1 at ¶¶ 9-11.

### **DIVERSITY OF CITIZENSHIP**

7. This Court has diversity jurisdiction over this matter because the citizenship of the Plaintiffs and Defendants is entirely diverse pursuant to 28 U.S.C. § 1332.

8. On information and belief, Defendants alleges that Plaintiffs are natural persons who are residents, domiciliaries and citizens of Logan County in the state of Oklahoma. Their citizenship for diversity purposes is thus Oklahoma.

9. Defendant Jose Coreas is an individual who is a resident, domiciliary and citizen of Houston, Texas. Defendant, ELFS is a corporation organized under the laws of the state of Texas with its principal place of business and headquarters in Houston, Texas. As such, the citizenship of Defendants for diversity purposes is Harris County, Texas.

**VENUE**

10. The Western District of Oklahoma is the only federal court to which this action is removable under 28 U.S.C. § 1441(a) as the action was pending in the District Court of Oklahoma County, which is within this district.

**COMPLIANCE WITH LCvR 81.2 AND 28 U.S.C. § 1446(a)**

11. Pursuant to 28 U.S.C. § 1446(a), the Summonses served on Defendants are attached as Exhibit 2. A copy of the state court docket sheet is attached as Exhibit 3 in accordance with LCvR 81.2. Defendants' Answer is attached as Exhibit 4. There are no other filings.

WHEREFORE, the Defendants respectfully request that this action now pending against it in the District Court of Oklahoma County, Oklahoma, be removed to this Court, that this Court accept jurisdiction of this action, and that this action be placed upon the docket of this Court for further proceedings, the same as though this action was originally instituted in this Court.

Dated this 16th day of July, 2021.

Respectfully submitted,

**JURY TRIAL DEMANDED**

s/ C. Scott Jones

Bryan E. Stanton, OBA #19225

C. Scott Jones, OBA #21248

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 16th day of July, 2021, I electronically transmitted the above and foregoing document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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*Attorneys for Plaintiffs*

I further certify that a true and correct copy of this Notice of Removal was filed with the Oklahoma County Court Clerk.

s/ C. Scott Jones

Bryan E. Stanton/C. Scott Jones